

Administration with the will annexed shalbe committed to the Overseers (if any be named in the will) or some one of them. And if none bee, then to the nearest of kinne to the Exequutor (being an orphan or out of the Province) willing & able to vndertake it; and in defect of such, then to the nearest of kinne to the deceased, living within the Province & willing & able to vndertake it. And in defect of such, then to the greatest Legatary living within the Province & willing & able to vndertake it; and in defect of such then to the nearest of kinne to such Legatary willing & able to vndertake it, & in defect of such, then to the next greatest Legatary, being within the Province, & willing & able to vndertake it; and in defect of Legataries, then to the greatest Creditor of the deceased, clayming it. And in defect of Creditors then to any person as the Judge shall think fittest. Liber P R

And where no will is proved, the Administraōn shalbe committed to such partie living within the Province, & willing & able to vndertake it, as hath nearest right by the Law of the Province to succeed to the goods. And in defect of such, then to the greatest Creditor clayming it. And in defect of such, then to such person as the Judge shall think fittest.

All causes of complaint against the Judge in Testamentary causes, and all Probates Accompts, or other matters Testamentary, wherein he is interested as a partie, shalbe heard & determined by the Judge of the Provinciaall Court, according to the Law or vsage of the Province, or former presidents of the same or the like nature (to be determined by the Judge) and in defect of such then according to his sound discretion.

Exequutors & Administrators not being willing & able to vndertake the payment of all debts & legacies of the deceased within this Province, shalbe charged by oath and Recognisance, to sell the goods of the decease w^{ch} shall come to their hands at an outcry (published five daies before, whereof one to be a sonday or holy day) in the County or hundred where such goods are to be sett to sale. Provided that no goods be sold at such outcry but to such persons as shall not be excepted against by the Creditors or Legataries of the deceased, then and there present (if any be) or the maior part of them.

And what is not so sold shalbe appraised by the oath of two men nominated by the cheifest Creditors or Legataries of the deceased then and there present.

And debts made & goods appraised in such manner as aforesaid, may be applied to the Creditors or Legataries at those rates. But it shalbe lawfull to the Exequutor or Admrātor to take the goods at the appraisem^t giving good security for the value.

No Exequutor or Admrātor may dispose of any of the